

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

FILED
OCT 06 2011JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

United States of America)

v.)

Christopher Earl Tuten)

Case No: DVAW505CR00012-001

USM No: 10989-084

Date of Previous Judgment: 12/16/2008

Russell Darren Bostic, Esq.

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 95 months months is reduced to time served.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Amended Offense Level: 31

Criminal History Category: VI

Criminal History Category: VI

Previous Guideline Range: 188 to 235 months

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

The original sentence consisted of 60 months plus a consecutive 60 months on a 924(c) count for a total term of imprisonment of 120 months. The sentence was then reduced to 48 months plus the consecutive 60 months for a total term of imprisonment of 108 months. In the last judgment before the defendant's instant motion, the 924(c) conviction was vacated and the defendant's total sentence was reduced to 95 months.

III. ADDITIONAL COMMENTS

See attached Memorandum Opinion

Except as provided above, all provisions of the judgment dated 12/16/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 6, 2011



Judge's signature

Effective Date: 11/01/2011
(if different from order date)Hon. Glen E. Conrad, Chief U.S. District Judge
Printed name and title